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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/718,742

11/21/2003

Todd Lewis

4676P046

1771

8791 7590 12/21/2006
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EXAMINER

CHANG, YEAN HSI

ART UNIT

PAPER NUMBER

2835

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/21/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/718,742

Applicant(s)

LEWIS ET AL.

Examiner

Yean-Hsi Chang

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,12-19 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,12-19 and 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/27/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 12-13, 16-19, and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kfoury (US 6,549,789 B1) in view of England (US 6,483,445 B1).

Kfoury teaches a data processing apparatus (fig. 1) having a memory (109) for storing program code and a processor (103) for processing the program code, comprising: a body (202) having a surface (206) defining a first plane (206), the body comprising a first user interface including a first plurality of control elements (208) for entering data and performing control operations and a second user interface including a second plurality of control elements (1202, see fig. 12) for entering data and performing control operations, wherein the first plurality of control elements comprises a keyboard (shown in fig. 2) and the second plurality of control elements comprise a set of control buttons (see col. 6, lines 40-44), a display (204) having a display area (212) defining a second plane (210), the display directly coupled to the data processing apparatus at a pivot point (214) and rotatable around the pivot point from a first position (fig. 12) to a

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second position (fig. 2), wherein the display is viewable in both the first position and the second position (as shown in the figs. 12 and 2) and wherein both the first and second groups of control elements are exposed when the display is in the second position (fig. 2), and wherein only the second group of control elements are exposed when the display is in the first position (fig. 12), wherein the first plane and the second plane are substantially parallel when the display is in the first position (fig. 12), an operational mode selection module (103) for selecting between a first operational mode and a second operational mode in response to a plurality of triggering events, said triggering events including: output from one or more operational mode sensors (133, 135) configured to trigger when the display is rotated from the second position to the first position or from the first position to the second position, execution of program code from one or more applications currently running on the data processing device, and/or manual user input (1302) by selecting one or more of the plurality of control elements located within said first or second user interfaces (see col.6, lines 45-65), wherein execution of the program code by the processor causes the operational mode selection module to adjust the functions associated with the first and second plurality of control elements based on the selected operational mode, wherein the first and/or second plurality of control elements perform a first plurality of defined functions when the data processing apparatus is in the first operational mode (as shown in fig. 2) and perform a second plurality of defined functions when the data processing apparatus is in the second operational mode (as shown in fig. 12) (claims 1, 12 and 26); an angle between the first plane and the second plane being adjustable over a specified range when the

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display is in the second position (fig. 2) (claim 2); wherein the first group of control elements are covered by the display and the second group of control elements are not covered by the display when the display is in the first position (shown in fig. 12) (claims 3 and 5); wherein the display motion mechanism comprises a rotation element (axis 304, fig. 3) providing rotation of the display within a first dimension (about 304) relative to the body, and a pin (along axis 302, not shown) rotatably coupled to the rotation element (shown in fig. 3), the pin providing rotation of the display within a second dimension (about 302) relative to the body (claim 13); wherein, when in the second position, the display motion mechanism carries the display over a range defined by a first angle (shown in fig. 2) between the first plane and the second plane and a second angle (shown in fig. 12) between the first plane and the second plane (claim 16); wherein the first group of control elements are covered by the display when the display is in the first position (fig. 12) (claim 17); wherein the second group of control elements are not covered by the display when the display is in the first position (shown in fig. 12) (claim 19); wherein the first plane and the second plane are substantially parallel when the display is in the first position (fig. 12), wherein the first plane and the second plane are not parallel when the display is in the second position (fig. 2), and wherein the display is substantially inverted when in the second position relative to the first position (comparing of figs. 2 and 12 shows this feature), a switch (228) configured to trigger when the display is rotated from the second position to the first position and image inversion logic to invert images on the display responsive to the switch triggering (see

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col.6, lines 45-65, a signal ... in accordance with the programmed operation mode of the device may include image inversion) (claims 27-32).

Regarding to claims 1, 12, 26, 28, 30, and 32, Kfoury teaches the display may be moved to an inverted position as comparing with figs. 2 and 12, and teaches position sensors 133 and 135, and position detectors 226 and 228 for sending position signals to mode controller 103, however, Kfoury fails to show the image would also be inverted accordingly. England teaches a rotatable display (30) as shown in figs. 7A and 7B, and position sensors detecting the position of the display in order to present information to a user with the correct viewing orientation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Kfoury with the sensors taught by England to presenting inverted images according to inverted display for user's convenience.

3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kfoury.

Kfoury discloses the claimed invention and further teaches the display motion mechanism comprising a chamber (shown in fig. 3, not labeled) for rotatably coupling the pin to the rotation element, except the pin is fixedly coupled to the display. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Kfoury with the pin is fixedly coupled to the display instead to the body, since various different types of rotational mechanisms may be employed to allow the display screen to rotate as Applicants indicated in [0053] of the specification.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kfoury in view of England (US 6,483,445 B1).

Kfoury discloses the claimed invention except the display motion mechanism comprising one or more tracks formed on the data processing apparatus, and one or more pins formed on the display and engaging with the tracks to guide the display from the first position to the second position.

England teaches a data processing apparatus (10, fig. 1) comprising: a display motion mechanism (60) moveably coupling a display (20) to a body (32) and carrying the display from a first position (dotted lines in fig. 8A) to a second position (fig. 8B or 8C), including one or more tracks (46) formed on the data processing apparatus, and one or more pins (shown in fig. 6, not labeled) formed on the display and engaging with the tracks to guide the display from the first position to the second position as claimed in claim 15 for a user to position the display in an ergonomically comfortable location.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Kfoury with the display motion mechanism taught by England for a user to position the display in an ergonomically comfortable location.

Response to Arguments

5. Applicant's arguments filed 11/27/06 have been fully considered but they are not persuasive. Regarding mode change triggering by "execution of program code from one or more applications currently running on the data processing device", applicant gives an example of switching to telephony mode when an incoming call is received. It is

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advised that similar example is given by Kfoury in col. 5, lines 46-64. And once again, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex Parte Masham*, 2 USPQ2d 1647 (1987).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Correspondence

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang
Primary Examiner
Art Unit: 2835
December 19, 2006


YEAN-HSI CHANG
PRIMARY EXAMINER